

United States Senate

WASHINGTON, DC 20510

August 6, 2018

Andrew Wheeler
Acting Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Cathy Stepp
Regional Administrator – Region 5
U.S. Environmental Protection Agency
Ralph Metcalfe Federal Building
77 West Jackson Blvd
Chicago, IL 60604-3590

Dear Acting Administrator Wheeler and Administrator Stepp:

I am writing regarding the Environmental Protection Agency's (EPA) investigation into Greif Inc., also known as Mid-America Steel Drum Company Inc., and its facilities in Wisconsin. Following accounts from a whistleblower and reporting by the Milwaukee Journal Sentinel that exposed dangerous operations at three of the company's industrial container refurbishing sites in southeast Wisconsin, I called for the EPA to launch an investigation.

EPA opened an investigation, and in November 2017 the agency issued preliminary Notices of Violation, but after nine months, we are still waiting for the results of EPA's investigation. While multiple agencies have found dozens of violations at the site, the EPA has not completed its investigation or provided the public confidence that the illegal practices have ended. There are many health hazards related to the violations documented at these sites, and the community and workers deserve answers about what has happened and assurances that they are no longer being exposed to toxic chemicals.

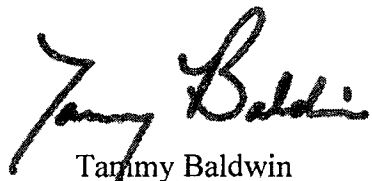
As extensively reported by the Milwaukee Journal Sentinel for nearly two years, Greif Inc., the operator of chemical container refurbishing facilities in Milwaukee, Oak Creek, and St. Francis, Wisconsin, has been under investigation by multiple federal agencies including the EPA. The agencies have investigated the company for transporting, storing and treating hazardous waste without required licenses, as well as not taking appropriate measures to protect its workers or the surrounding communities from these hazardous materials. Given the severity of these allegations and the seriousness of their potential impact on the health of local residents, I am deeply concerned that the EPA has not taken swift, substantial action to protect local residents by addressing the company's negligence.

After an initial investigation, in November 2017 your agency issued Notices of Violation to Greif Inc. for alleged violations of the Resource Conservation and Recovery Act and the Clean Air Act. Preliminary reports of the violations are deeply troubling, including the largely unmitigated incineration of hazardous waste at the facility in Oak Creek, failure to comply with standards for controlling volatile organic compounds, and resistance to cooperate with the EPA's investigation. These initial conclusions suggest that both workers and nearby residents have

suffered the toxic and dangerous consequences of unsafe, illegal handling and disposal of toxic chemicals by Greif Inc. for an extended period of time.

It has been nine months since the EPA issued the initial Notices of Violation, and neither I nor the public have been advised of any new progress in the investigation since then. As the agency responsible for enforcing laws that protect human and environmental health, I am deeply concerned that the EPA has not taken further action to finalize the investigation, stop these reckless practices, and hold the violator accountable to federal environmental laws. The public's health depends on holding Greif Inc. accountable to the law. Residents of Milwaukee, Oak Creek, and St. Francis deserve a swift, clear, response from the EPA proportional to the substantial threat that Greif Inc.'s actions have imposed upon their health and wellbeing. As such, I ask that you immediately increase the speed and transparency of your investigation into the company's practices in Wisconsin.

Sincerely,

A handwritten signature in black ink, appearing to read "Tammy Baldwin". The signature is fluid and cursive, with the first name "Tammy" written in a larger, more prominent script than the last name "Baldwin".

Tammy Baldwin
United States Senator

AL-18-000-9968



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGIONAL ADMINISTRATOR
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

SEP 11 2018

The Honorable Tammy Baldwin
United States Senate
Washington, D.C. 20510

Dear Senator Baldwin:

Thank you for your August 6, 2018, letter requesting an update from the U.S. Environmental Protection Agency (EPA) about the progress made by EPA in its investigation into the practices and operations of the three Container Life Cycle Management LLC (CLCM) (d/b/a Mid-America Steel Drum Company, Inc.) facilities in, and around, Milwaukee, Wisconsin.

In recent developments, EPA took soil samples at the tractor trailer storage yard at the St. Francis facility and received the results of that sampling event on July 18, 2018. Based on its initial review of the sampling results, EPA does not believe there is any immediate threat to human health or the environment requiring a federal cleanup response. EPA is working with the Agency for Toxic Substances and Disease Registry and the Wisconsin Department of Natural Resources (WDNR) to further assess the data. The sample results will be posted on EPA's website at <https://www.epa.gov/wi/epa-investigating-milwaukee-company-potential-environmental-violations> after the review.

EPA also is working with WDNR to determine the appropriateness of air pollution control technology (a regenerative thermal oxidizer) proposed by CLCM for installation at its St. Francis facility.

As your letter notes, the three CLCM facilities in, and around, Milwaukee, Wisconsin, are already the subject of notices of violation issued by EPA in November 2017. EPA strives to advance all law enforcement investigations as quickly as practicable. Untimely disclosures of investigations can harm them. EPA's longstanding policy of not disclosing the status of enforcement matters was memorialized in the March 8, 2006, memorandum titled "Restrictions on Communicating with Outside Parties Regarding Enforcement Actions." A copy of the memorandum is enclosed.

EPA appreciates the keen public interest in this matter and has shared its sampling and other data with interested parties and the public as it becomes available through the website noted above. As to the matters addressed in the notices of violation, EPA will promptly provide any new information that can be disclosed consistent with the 2006 memorandum.

Again, thank you for your letter. If you have further questions, please contact me or your staff may contact Denise Fortin, the Region 5 Congressional Liaison, at 312-886-3000.

Sincerely,

A handwritten signature in cursive script that reads "James Payne". The signature is written in dark ink and is positioned above the printed name and title.

James Payne
Acting Deputy Regional Administrator

Enclosure